



MINISTRY OF FOREIGN AFFAIRS

AGENT OF THE GOVERNMENT

BEFORE THE EUROPEAN COURT OF HUMAN RIGHTS

Mr. Søren Prebensen
Deputy Grand Chamber Registrar
Grand Chamber
European Court of Human Rights

Bucharest, 5 December 2022

Application no. 53600/20 - *Verein Klimaseniorinnen Schweiz and others v. Switzerland*
L/10561

Written Submissions by the Romanian Government

On the 24th October 2022, the Grand Chamber informed the Romanian Government that it granted it leave to make written submissions to the Court in the case of *Verein Klimaseniorinnen Schweiz and others v. Switzerland* (application no. 53600/20), under Article 36 § 2 of the Convention and under Rule 44 § 3 of the Rules of Court, as third party in the present case.

The Romanian Government's submissions read as follows:

I. Introduction

In the *Verein Klimaseniorinnen Schweiz and others v. Switzerland* case (application no. 53600/20) the applicants are an association under Swiss law for the prevention of climate change and four elderly women (between 78 and 89), who complain of health problems that undermine their living conditions during heatwaves. Those heatwaves are allegedly accentuated due to inadequate measures adopted by the Swiss Government to diminish greenhouse gas emissions that are responsible for the increase of average global temperature (hereinafter "AGT").

The applicants claim that the Swiss Government did not uphold their positive obligations prescribed by the Constitution and the European Convention on Human Rights (hereinafter "the Convention"). More precisely, they are allegedly failing to take the necessary measures to meet the 2030 goal set

by the 2015 Paris Agreement on climate change (COP21), in particular to limit global warming to well below 2° C compared to pre-industrial levels. The applicants challenged the targets for 2016 (the year of the introduction of the application before the domestic courts) in Parliament (20% until 2020 and 30% until 2030) as well as the measures by which the Government might reach those goals.

Before the domestic courts, applicants claimed the Government had violated articles 10 (right to life), 73 (sustainability principle), and 74 (environmental protection) of the Swiss Constitution and articles 2 (right to life) and 8 (right to respect for private and family life) of the Convention.

Given the fact that their case was dismissed by domestic courts and thus national remedies were exhausted, the applicants lodged an application before the European Court of Human Rights (hereinafter “the Court” / “ECtHR”) on 26 November 2020 and pleaded that the Government violated four of their rights guaranteed by the Convention, as follows:

- violation of article 2 (right to life) and article 8 (right to respect for private and family life) – the inadequate climate policies of Switzerland are breaching the right to life and to health of women as prescribed by article 2 and 8 of the Convention;
- violation of article 6 (right to a fair trial) – the Federal Supreme Court of Switzerland (hereinafter FSCS) denied their application on arbitrary grounds;
- violation of article 13 (right to an effective remedy) – the Swiss authorities and domestic courts did not properly analyse the claims of the applicants.

II. The cumulative and global character of emissions that generate climate changes

Climate change represents a global challenge that requires international resilience, in order to reduce and contend greenhouse gas emissions. Both the European Union (hereinafter “EU”) and Switzerland share the objective to significantly reduce the greenhouse gas emissions. The EU is a global leader in the transition towards climate neutrality and it is determined to help raise global ambition and to strengthen the global response to climate change, using all tools at its disposal, including climate diplomacy.

Climate change is by definition a trans-boundary challenge and coordinated action at EU level is needed to effectively supplement and reinforce national policies. As the overall framework for the EU’s contribution to the Paris Agreement, the EU’s and Member states’ actions should be guided by the precautionary and ‘polluter pays’ principles established in the Treaty on the Functioning of the European Union, and should also take into account the ‘energy efficiency first’ principle of the Energy Union and the ‘do no harm’ principle of the European Green Deal. Achieving climate neutrality requires a contribution from all economic sectors for which emissions or removal of greenhouse gases are regulated in EU law.

In 2018, The Intergovernmental Panel on Climate Change (hereinafter “IPCC”) released its *Special Report regarding the impact of the increasing global warming with 1,5°C over the pre-industrial levels and the related directions of greenhouse gas emissions evolution* (hereinafter “Special Report”). Based on scientific evidence, the Special Report reveals that the global warming caused by

anthropogenic activities already reached 1°C over the pre-industrial levels and the temperature continues to rise with approximately 0.2°C per decade. If the international actions do not intensify in this area, the rise of AGT could reach 2° C soon after 2060 and shall further increase. The Special Report confirms the fact that greenhouse gas emissions ought to be limited at 1,5° C especially to reduce the probability of certain extreme weather events and the probability of reaching tipping points.

Although at domestic level, the states commit to take measures in order to limit and reduce greenhouse gas emissions, international action is needed since those greenhouse gas emissions have a global and combined character as IPCC affirms. Once released, the carbon dioxide from the atmosphere becomes a general problem, regardless of country or field of activity. The risk of death or injury caused by heatwaves and wildfires due to climate changes could be attenuated or eliminated. For this to happen, a number of different actions or factors are necessary, including a scaled and coordinated global action to tackle the upcoming climate changes.

Given the fact that State institutions have a limited and indirect form of control over any future damage caused by greenhouse gas emissions, their obligation is one of diligence. Moreover, the risk of damage raised by the applicants cannot be solely attributed to the actions of public institutions, as it is generated by the accretion of carbon dioxide in the atmosphere from various sources, counting natural phenomenon or subsequent actions of individuals or organizations. Moreover, the IPCC has found that there are mitigation options available in all sectors to deliver emissions reductions in line with the 1.5°C limit.

In this respect, it should be noted that the costs of several low-emissions technologies including solar energy, wind energy, and lithium-ion batteries have fallen continuously, in some cases below those of fossil fuels, accompanied by an exponential increase in the adoption of these technologies. The recent State of Climate Action report found that total climate finance needs to increase to USD 5 trillion by 2030 – requiring an acceleration over 10 times faster than recent increases. Currently, climate finance is characterized in this report as being “well off track”, signalling that governments are failing to achieve the Paris Agreement’s goal of aligning financial flows with 1.5°C.¹

However, it should be noted that a single year or a certain region above 1.5°C does not mean that the Paris Agreement limit is breached. The Paris Agreement's 1.5°C limit is a long-term and global limit for temperature increase above pre-industrial levels (1850-1900), meaning that a 1.5°C temperature increase would have to be recorded as an average over two or three decades (standard climatological averaging period) and over all regions of the globe, before the limit can be considered breached. Moreover, reports that 1.5°C may be (temporarily) reached in one of the next few years do not take these important facts into account. The IPCC is clear that “the occurrence of individual years with global surface temperature change above a certain level [...] does not imply that this global warming

¹ IPCC, 2022: Climate Change 2022: Mitigation of Climate Change. Contribution of Working Group III to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change [P.R. Shukla et al. (eds.)]. Cambridge University Press, Cambridge, UK and New York, NY, USA.

level has been reached”². Any temperature limit breach can therefore be assessed with certainty only in retrospect. This long-term temperature goal set out in point (a) of Article 2(1) of the Paris Agreement aims to strengthen the global response to the threat of climate change by increasing the ability of States to adapt to the adverse impacts of climate change as set out in point (b) of Article 2(1) thereof and by making finance flows consistent with a pathway towards low greenhouse gas emissions and climate-resilient development as set out in point (c) of Article 2(1) thereof.³

Moreover, the cessation of all greenhouse gas emissions will not prevent the ongoing consequences on climate, as they shall continue over decades even if the global and European efforts of reducing greenhouse gas emission are proven effective. Even the drastic temporary reductions of emissions – such as the ones generated by the financial crisis from 2008 or the economic disturbances from the COVID-19 pandemic – had no major effect over the trajectory of global warming. Thus, in the event of establishing a goal of climate neutrality in 2050, EU Member States as well as Switzerland cannot solely ensure the limitation of the increasing AGT to 1,5° C given the fact there are several entities that do not apply the same policies (i.e. other States, companies). In order to combat climate change, the EU and Switzerland reached an agreement in 2017 to establish a link between their greenhouse gas emissions trading systems, thus providing a useful and efficient instrument in reducing greenhouse gas emissions also from an economic point of view.

In light of the importance of energy production and consumption for the level of greenhouse gas emissions, it is essential to ensure a transition to a safe, sustainable, affordable and secure energy system relying on the deployment of renewables, a well-functioning internal energy market and the improvement of energy efficiency, while reducing energy poverty. Digital transformation, technological innovation, and research and development are also important drivers for achieving the climate-neutrality objective.

III. Applicability of the Convention to the present case

Several conditions must be fulfilled in order to find a breach of article 8 of the Convention. The applicant must be able to show that there was actual interference with his or hers private sphere on account of the environmental situation complained of, and that the interference attained a minimum level of severity [*Çiçek and Others v. Turkey (dec.)*, 2020, § 29].

Article 8 cannot be engaged every time environmental deterioration occurs. In this connection, the State’s obligations under this provision only come into play if there is a direct and immediate link between the impugned situation and the applicant’s home, or his/her private or family life (*Ivan Atanasov v. Bulgaria*, 2010, § 66). In other words, in order to raise an issue under article 8, environmental damage must have a direct effect on the right to respect for the applicant’s home,

² IPCC, 2021: Climate Change 2021: The Physical Science Basis. Contribution of Working Group I to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change [MassonDelmotte et al. (eds.)]. Cambridge University Press, Cambridge, UK and New York, NY, USA.

³ Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 (‘European Climate Law’);

family life or private life [*Thibaut v. France (dec.)*, 2022, § 38), *Marchiş and Others v. Romania (dec.)*, 2011]. This means that general deterioration of the environment is not sufficient. There must be a negative effect on an individual's private or family sphere that can be characterized as an interference [*Martínez and Pino Manzano v. Spain*, 2012, § 42]. Moreover, in the case of *Çiçek and Others v. Turkey (dec.)*, 2020, §§ 30-32 the Court, noting the absence of any proof of a direct impact on the applicants or their quality of life, stated that it was not convinced that there had been an interference in their private lives. It therefore concluded that article 8 was inapplicable.

The adverse effects of environmental pollution must attain a certain minimum level of severity if they are to fall within the scope of article 8 [*Yevgeniy Dmitriyev v. Russia*, 2020, § 32; *Kapa and Others v. Poland*, § 153, 2021; *Solyanik v. Russia*, 2022, § 40)]. The assessment of that minimum is relative and depends on all the circumstances of the case, such as the intensity and duration of the nuisance and its physical or mental effects on the applicant's health or quality of life [*Kožul and Others v. Bosnia and Herzegovina*, 2019, § 34]. Moreover, the general environmental context should also be taken into account. There would be no arguable claim under article 8 if the detriments complained of were negligible in comparison to the environmental hazards inherent in life in every modern city.

Furthermore, the burden of proof rests on the applicant, who needs to demonstrate there has been an interference in his or her private life on account of the nuisance, pollution or environmental hazard of which they are complaining (*Ivan Atanasov v. Bulgaria*, 2010, § 75). Hence, they must prove that a minimum level of severity has been attained or that they are exposed to an environmental hazard [*Thibaut v. France (dec.)*, 2022, §§ 40-48].

As regards pollution in particular, the Court holds that there is no doubt that serious industrial pollution negatively affects public health in general [*Ledyayeva and Others v. Russia*, 2006, § 90; *Walkuska v. Poland (dec.)*, 2008]. However, it is hard to distinguish the effect of environmental hazards from the effects of other relevant factors, such as age, profession or personal lifestyle. The same applies to the deteriorating quality of life because of industrial pollution, "quality of life" itself being a subjective characteristic that does not lend itself to a precise definition. Those considerations also apply to pollution which is not industrial in origin (*Dzemyuk v. Ukraine*, 2014, § 79). Consequently, in establishing the factual circumstances of cases before it, the Court relies mainly, although not exclusively, on the findings of the domestic courts and the other competent domestic authorities [*Ledyayeva and Others v. Russia*, 2006, § 90; *Walkuska v. Poland (dec.)*, 2008; *Dubetska and Others v. Ukraine*, 2011, § 107; *Jugheli and Others v. Georgia*, 2017, § 63; *Cordella and Others v. Italy*, 2019, § 160; *Kapa and Others v. Poland*, § 153, 2021].

The Court has pointed out that environmental protection should be taken into consideration by States in acting within their margin of appreciation and by the Court in its review of that margin. Therefore, it would not be appropriate for the Court to adopt a special approach in this respect by reference to a

special status of environmental human rights protection (*Hatton and Others v. United Kingdom* [GC], 2003, § 122; *Ashworth and Others v. United Kingdom* (dec.), 2004).⁴

Moreover, according to article 34 of the Convention " *The Court may receive applications from any person, nongovernmental organization or group of individuals claiming to be the victim of a violation by one of the High Contracting Parties of the rights set forth in the Convention or the Protocols thereto.[...]*".

Therefore, article 34 of the Convention does not allow complaints *in abstracto* that allege a violation of the Convention. The Court consistently held that the Convention does not provide for the institution of *actio popularis* and that its task is not usually to review relevant law and practice *in abstracto*, but to determine whether if the manner in which those were applied violated the Convention (for example, *Roman Zakharov v. Russia* [GC], § 164; *İlhan v. Turkey* [GC], §52-53).

We kindly ask the Court to note the fact that the case ***Verein Klimaseniorinnen Schweiz and others v. Switzerland*** pertains to a series of factual and legal aspects, which are largely similar to those examined in the case of ***Duarte Agostinho and others v. Portugal and others***. In the latter, the applicants conjure the breach of the obligations assumed by Portugal and other 32 states (including Romania) prescribed by international treaties regarding the measures of reducing the greenhouse gas emissions. Based on the alleged lack of action by the authorities, the applicants claim that the States are contributing to global warming, causing heatwaves that have affected health and living conditions. In summary, according to the applicants, the defendant States have failed to fulfil their obligations under the Convention, as well as their obligations enshrined in international climate instruments as well (*i.e.* the Paris Agreement).

In the present case, similar in a broad sense to the type of examination the Court is called to make in the *Duarte* application (cited above), a pattern for an *actio popularis* can be easily discerned. This gives rise to issues related to the interpretation of the Convention, such as the number of victims who suffered or shall suffer a prejudice, the type and extent of the prejudice, the variety of risks, thus raising questions of the proportionality of any individual State's responsibility. Moreover, it creates an unjustified responsibility for public institutions, surpassing their contribution to the decisions regarding the limitation of the greenhouse gas emissions.

Meanwhile, in both of the above-mentioned applications before the Court, the claims also refer to the omission of the State to take sufficient environmental protection measures, as prescribed by the positive obligations to protect the right to life and to private life. In this situation, the judicial evaluation of the victim status requires inevitably at least the legal certainty of a prior commitment regarding the application of the positive obligations in the area of those two rights (articles 2 and 8 of the Convention), that results from a certified source of international law, according to standing regulations and practices.

⁴ https://www.echr.coe.int/Documents/Guide_Environment_ENG.pdf

Nevertheless, in the present case as well as in *Duarte* case, the applicants need to reveal plausible and convincing evidence of an alleged violation through omission in their own cases in order to be declared “victims”. Moreover, it is necessary to evaluate if the measures adopted by the State are in accordance with articles 2 and 8 of the Convention, construed in the light of “best available science”, but also to prove a connection between the omission of the State to limit the greenhouse gas emissions and the damage allegedly inflicted. For example in *Cordella and Others v. Italy* the Court stated that the applicants are personally affected by the claimed measure if they are in a situation of high risk for the environment, where the threat becomes potentially dangerous for the health and wellbeing of those exposed. In addition, in *Calancea and Others v. Republic of Moldova* the Court found the application inadmissible as manifestly ill-founded as it could not be proved that the power of the electromagnetic field created by the high voltage line reached a level capable to harm the applicants and thus violate their right to private and family life.

IV. Views expressed by various jurisdictions regarding the alleged influence of climate change on the claimed rights

Many of the recent cases before various jurisdictions pertaining to environmental issues aim at holding governments accountable for several reasons. For example, States can be liable for their failure to either take concrete measures and actions to limit the amount of gas emissions, increase the nationally determined contribution (hereinafter NDC), or adapt to the consequences of climate changes or to mitigate climate changes. The lawsuits before the domestic courts are based on the objective prescribed by the Paris Agreement, the latest IPCC publications or the “net-zero” concept.

In 2019 the *Urgenda*⁵ case concluded with a decision of the Supreme Court of the Netherlands (hereinafter “SCN”), which stated that the Dutch Government must reduce the greenhouse gas emissions with at least 25% until the end of 2020 (compared with the ones from 1990). Therefore, according to the interpretation of articles 2 and 8 of the Convention as well as the jurisprudence of the ECtHR, the SCN proved that the previously mentioned obligation ought to apply also for the environmental threats that might endanger large groups or the overall population even if they would not have immediate consequences. According to article 13 of the Convention, the domestic law must offer an effective remedy against any violation of the rights protected by the Convention. Therefore, the SCN considered that every country is responsible for its own greenhouse gas emission share. The government cannot elude its international responsibility by reducing its share of greenhouse gas emissions (prescribed by the Paris Agreement) and increase its ambition of NDC, thus arguing that the reduction would be insignificant and would not have a relevant effect globally. The State should reduce its greenhouse gas emissions proportionally with its share. According to the Court, this obligation is based on article 2 and 8 of the Convention because climate change could produce severe damages to the life, health and welfare of the Dutch. In order for the State to fulfil its positive obligations, the SCN took into account the scientific perspectives and internationally accepted standards, especially the IPCC reports.

⁵ <https://www.urgenda.nl/en/themas/climate-case/>

The SCN also rejected the arguments of the State regarding the limits of the national jurisdictions to assess the appropriateness of a decision to reduce greenhouse gas emissions. In the Dutch governing system, the decisions regarding greenhouse gas emission are ascribed to Government or Parliament, given the fact that those institutions have a broader reach to establish public policies in the domain of greenhouse gas emissions. Domestic courts have the prerogative to analyse and decide whether the actions of Government or Parliament were within the law when elaborating specific public policies.

On the other hand, in the *Sargoonick v. Alaska state*⁶ case, the Supreme Court of Alaska (hereinafter SCA) definitively rejected a lawsuit brought by Alaska's youth who claimed that the approval of the exploitation of natural resources might contribute to climate changes, allegedly breaching the *Law on natural resources* and their constitutional rights. The SCA held that the claims of the applicants for injunctive relief – request that the State stop implementing its statutory energy policy, prepare and complete and accurate accounting of Alaska's carbon emissions, and develop an enforceable “climate recovery plan” – presented non-justiciable political questions. The SCA found that the Superior Court had not erred by considering the requested relief as part of its political question analysis. The Supreme Court then followed its “sound precedent” in *Kanuk*⁷ – an earlier case to compel climate action – to conclude that it could not make “the legislative policy judgments necessary to grant the requested injunctive relief.” The SCA further concluded that the applicants' declaratory relief claims did not necessarily present non-justiciable political questions but that the SCA had properly dismissed them on “prudential grounds” because they did not present an “actual controversy” that was “appropriate for judicial determination.” Although noting differences in this case, in which the applicants asserted constitutional rights beyond the public trust doctrine and challenged past actions, as opposed to inaction, the Supreme Court concluded that neither distinction meant that declaratory relief “would settle the parties' legal relations more fully than it would have in *Kanuk*.”

In 2021 in *VZW Klimaatzaak v. Kingdom of Belgium and others*,⁸ the Brussels Court of First Instance held that the Belgium Government breached its duty of care by failing to take necessary measures to prevent the harmful effects of climate change but declined to set specific reduction targets on separation of powers grounds.

Also in 2021, Plan B Earth (an environmental charity) and four other citizens⁹ filed a petition for judicial review claiming that the UK government violated human rights by failing to implement effective measures to uphold its Paris Agreement commitments. The applicants argued that the Government had failed to produce a coherent plan for addressing the climate emergency, but the

⁶ <http://climatecasechart.com/case/sinnok-v-alaska/>

⁷ In *Kanuk v. Alaska*, the SCA dismissed an action brought by six children under the Alaska constitution and the public trust doctrine against the State of Alaska seeking to impose obligations on the State to address climate change. While finding that the plaintiffs had standing, SCA held that the claims were non-justiciable due to “the impossibility of deciding [them] without an initial policy determination of a kind clearly for non-judicial discretion.”

⁸ <http://climatecasechart.com/non-us-case/vzw-klimaatzaak-v-kingdom-of-belgium-et-al/>

⁹ <http://climatecasechart.com/non-us-case/plan-b-earth-and-others-v-prime-minister/>

domestic courts did not find a conflict between the national law and the Convention (articles 2 and 8). Moreover, the arguments of the applicants did not convince the judges that they could be considered as “victims” of a breach the rights prescribed by the Convention, hence to bring a claim under section 7(1) of the Human Rights Act 1998 and respectively to raise the same argument relating to a future risk generalized by a prejudice for the global community. The responsible judge expounded in his decision why some applicants are not eligible to raise a claim based on the provisions of article 8 of the Convention.

Therefore, bearing in mind the legal cases previously presented, we kindly ask the Court to note the fact that national jurisdictions have often solved cases pertaining to climate change, in accordance with national and international standards related to the domain of environmental law.

V. Conclusions

The increasing urgency to limit the impact of climate change generates a raise in applications pertaining to gradual intrusions on human rights. Having in mind the serious consequences due to climate change and in order to provide a safe environment for its citizens, more and more States (including Switzerland and Romania) are active members of numerous relevant international frameworks, counting the United Nations’ Framework Convention on Climate Change, the Kyoto Protocol or the Paris Agreement.

In November 2022, the Government of the Arab Republic of Egypt hosted the 27th Conference of the Parties of the United Nations Framework Convention on Climate Change (hereinafter COP 27), with a view to building on previous successes and paving the way for future ambition to effectively tackle the global challenge of climate change. Set against a difficult geopolitical backdrop, COP27 resulted in countries delivering a package of decisions that reaffirmed their commitment to limit global temperature rise to 1.5° C above pre-industrial levels. The package also strengthened action by countries to cut greenhouse gas emissions and adapt to the inevitable impacts of climate change, as well as boosting the support of finance, technology and capacity building needed by developing countries. Moreover, Governments took the ground-breaking decision to establish new funding arrangements, as well as a dedicated fund, to assist developing countries in responding to loss and damage. The decisions taken also reemphasized the critical importance of empowering all stakeholders to engage in climate action; in particular through the five-year action plan on Action for Climate Empowerment and the intermediate review of the Gender Action Plan. These outcomes will allow all Parties to work together to address imbalances in participation and provide stakeholders with the tools required to drive greater and more inclusive climate action at all levels.¹⁰

COP27 represents a major step of the participating States to achieve climate neutrality and to fulfil the objectives set by the Paris Agreement. Achieving climate neutrality requires a contribution from both public and private sector. Furthermore, given the fact that greenhouse gas emissions are a global

¹⁰ <https://unfccc.int/news/cop27-reaches-breakthrough-agreement-on-new-loss-and-damage-fund-for-vulnerable-countries>

issue, the solution to reduce them demands a coordinated effort from all social actors involved and cannot limit itself to ascribing liability to a certain State or institution, or a set number thereof.

Thus, it can be ascertained that climatic dynamics or inertia can only be influenced through measures that are implemented on a long-term basis, whereas current manifestations of climate changes have begun to be taken into consideration only after 1992, when the UNFCCC was signed. Only then did the nations of the world set out to “stabilize greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system” (Article 2 of the UNFCCC). Thus, **from a principled point of view, it is highly debatable whether a State or any other entity can be held directly responsible today – individually and separately from other entities – for the cumulative consequences of a process which has started more than 100 years ago.**

In this context, it is also relevant that, as shown, recent litigation aims at holding governments accountable for their failure to take concrete measures and actions to limit the amount of greenhouse gas emissions. In regards to the claims of the applicants in the present case, it is respectfully submitted that the Court should take into account the nature and limited scope of its subsidiary role and the State’s margin of appreciation. Furthermore, the Court should be mindful of the fact that the liability of the States should not be unlimited, but rather established in a pragmatic matter pursuant to clearly defined criteria, established concretely through existing or future international law instruments.

Along this vein, for the examination of the case at hand, it is essential to note that the obligations contained in the Paris Agreement are procedural, rather than substantive. Therefore, in order to establish victim status in the current case, it is not enough to examine what actions the State took or omit to take, including under the Paris Agreement, if such activity is not linked to a violation of the applicants’ rights under the Convention. It follows that the application is asking the Court to supplement the provisions for attribution in the UNFCCC and the Paris Agreement by expanding its environmental rights case law (i.e. to develop the rules of the international climate change regime through the ECtHR), which falls outside the scope of the Convention, irrespective of how wide its provisions are interpreted. Such claims are also not compatible with Article 34 of the Convention.

Please accept, Mr. Registrar, the expression of my highest consideration.


05.12.22
P. / Oana Ezer
Agent of the Government before
The European Court of Human Rights